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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,776	10/31/2000	Kalle Ahmavaara	4925-89PUS	6165

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07/03/2003

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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 07/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,776

Applicant(s)

AHMAVAARA ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornberg et al. (U. S. Patent Number 6,097,700).

Regarding claims 1, 10, Thornberg et al. discloses all of the claimed invention as set forth in the instant application, additionally Thornberg et al. discloses a packet switched radio channel congestion control, further Thornberg et al. discloses a method for delay control adjustment in the uplink direction in a cellular telecommunications network comprising a plurality of functionally interconnected nodes for transmission of data (which reads on column 2 lines 35-45), characterized in that at least one first node sends a timing adjustment command to at least one second node (which reads on column 13 lines 50-55), if at least one uplink data packet sent by said at least one second node arrives at said at least one first node at a point in time (which reads on column 13 lines 50-55), which point in time is outside a predefined time period (which reads on column 13 lines 55-60), and at least one node functions as said at least one first node in view of at least one node preceding it in the uplink direction in the network structure (which reads on column 13 lines 60-67), and as said at least one second node in view of

at least one node following it in the uplink direction in the network structure (which reads on column 13 lines 60-67).

Regarding claim 2, Thornberg et al. discloses everything claimed, as applied above (see claim 1) additionally, Thornberg et al. discloses a method characterized in that at least one of said at least one second node is a base station (which reads on column 3 lines 60-67).

Regarding claim 3, Thornberg et al. discloses everything claimed, as applied above (see claim 1) additionally, Thornberg et al. discloses a method characterized in that at least one of said at least one first node is a protocol control block of a radio network controller (which reads on column 3 lines 60-67).

Regarding claim 4, Thornberg et al. discloses everything claimed, as applied above (see claim 1) additionally, Thornberg et al. discloses a method in that at least one of said nodes is a combining unit (which reads on column 3 lines 60-67).

Regarding claim 5, Thornberg et al. discloses everything claimed, as applied above (see claim 1) additionally, Thornberg et al. discloses A method for delay control adjustment in the downlink direction in a cellular telecommunication network comprising a plurality of functionally interconnected nodes for transmission of data, characterized in that at least one second node sends a timing adjustment request to at least one first node (which reads on column 4 lines 15-20), if at least one downlink data packet sent by said at least one first node arrives at said at least one second node at a point in time (which reads on column 13 lines 60-67), which point in time is outside a predefined time period (which reads on column 13 lines 55-60), and at least one node functions as said at least one second node in view of at least one node preceding it in the downlink direction in the network structure (which reads on column 13 lines 55-60), and

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as said at least one first node in view of at least one node following it in the downlink direction in the network structure.

Regarding claim 6. Thornberg et al. discloses everything claimed, as applied above (see claim 5) additionally, Thornberg et al. discloses A method according to claim 5, characterized in that at least one of said at least one second node is a base station (which reads on column 3 lines 60-67).

Regarding claim 7. Thornberg et al. discloses everything claimed, as applied above (see claim 5) additionally, Thornberg et al. discloses A method according to claim 5, characterized in that at least one of said at least one first node is a protocol control block of a radio network controller (which reads on column 3 lines 60-67).

Regarding claim 8. Thornberg et al. discloses everything claimed, as applied above (see claim 5) additionally, Thornberg et al. discloses A method according to claim 5, characterized in that at least one of said nodes is a splitting unit (which reads on column 3 lines 60-67).

Regarding claim 9. Thornberg et al. discloses everything claimed, as applied above (see claim 1) additionally, Thornberg et al. discloses a system in a cellular telecommunications network for controlling delays between a radio network controller and at least one base station, characterized in that the system comprises a radio network controller for controlling the transfer of data, at least one intermediate node for forwarding data in the network., which at least one intermediate node node is functionally connected to said radio network controller (which reads on column 2 lines 35-45), and a base station for sending and receiving data, which base station is functionally connected to said at least one intermediate node (which reads on column 3 lines 60-67)., and in that said radio network controller is arranged to send a timing adjustment command

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to at least one of said at least one intermediate node as a response to reception of at least one data packet from said at least one of said at least one intermediate node after a predetermined time period (which reads on column 13 lines 50-55), and said at least one intermediate node is arranged to send a timing adjustment command to said base station as a response to reception of at least one data packet from said base station after predetermined time period.

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thornberg et al. (U. S. Patent Number 5,742,588) discloses packet switched traffic management in a cellular telecommunications system;

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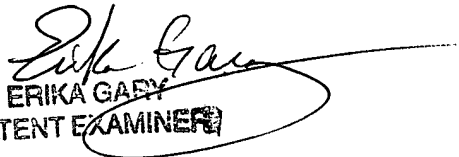
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9700.

S. Smith
June 29, 2003


ERIKA GABY
PATENT EXAMINER